

AMENDED IN SENATE AUGUST 20, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY AUGUST 18, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1432

Introduced by Assembly Member Mitchell
(Principal coauthors: Assembly Members Morrell and Wieckowski)
(Coauthors: Assembly Members Torres, Valadao, and Williams)

July 12, 2011

An act to add Section 273j to the Penal Code, relating to crimes, ~~and~~
~~declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1432, as amended, Mitchell. Crimes.

Existing law makes it a crime for a parent or guardian of a minor child to willfully omit, without lawful excuse, clothing, food, shelter, or medical care for the child. Existing law also makes it a crime for a parent or guardian to desert a child under 14 years of age with the intent to abandon that child.

This bill would require a parent or guardian of a child under 14 years of age who knows or should have known that the child has died to notify a public safety agency, as defined, within 24 hours of the time that the parent or guardian knew or should have known that the child has died, and to notify law enforcement within 24 hours of the time that a parent or guardian knows or should have known that the child is a missing person and there is evidence that the child is a person at risk, except as

specified. The bill would make a violation of those provisions a misdemeanor punishable by imprisonment in a county jail for not more than one year, or by a fine not exceeding \$1,000, or by both that fine and imprisonment. The bill would also provide that these provisions shall not preclude prosecution under any other provision of law. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as Caylee's Law.

2 SEC. 2. Section 273j is added to the Penal Code, to read:

3 273j. (a) (1) Any parent or guardian having the care, custody,
4 or control of a child under 14 years of age who knows or should
5 have known that the child has died shall notify a public safety
6 agency, as defined in Section 53102 of the Government Code,
7 within 24 hours of the time that the parent or guardian knew or
8 should have known that the child has died.

9 (2) This subdivision shall not apply when a child is otherwise
10 under the immediate care of a physician at the time of death, or if
11 a public safety agency, a coroner, or a medical examiner is
12 otherwise aware of the death.

13 (b) (1) Any parent or guardian having the care, custody, or
14 control of a child under 14 years of age shall notify law
15 enforcement within 24 hours of the time that the parent or guardian
16 knows or should have known that the child is a missing person
17 and there is evidence that the child is a person at risk, as those
18 terms are defined in Section 14213.

19 (2) This subdivision shall not apply if law enforcement is
20 otherwise aware that the child is a missing person.

1 (c) A violation of this section is a misdemeanor punishable by
2 imprisonment in a county jail for not more than one year, or by a
3 fine not exceeding one thousand dollars (\$1,000), or by both that
4 fine and imprisonment.

5 (d) Nothing in this section shall preclude prosecution under any
6 other provision of law.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 ~~SEC. 4. This act is an urgency statute necessary for the~~
17 ~~immediate preservation of the public peace, health, or safety within~~
18 ~~the meaning of Article IV of the Constitution and shall go into~~
19 ~~immediate effect. The facts constituting the necessity are:~~

20 ~~In order to protect children at the earliest possible time from~~
21 ~~criminal acts that could lead to harm or death, it is necessary that~~
22 ~~this act take effect immediately.~~